



**STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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Noel Foster
Citizen Representative
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MINUTES

March 18, 2009

The Arkansas Towing & Recovery Board convened on Wednesday, March 18, 2009 at 9:30 a.m. in the 11th floor conference room of the Attorney General's Office at 323 Center Street, Little Rock, Arkansas. Chairperson Glenna Butler called the meeting to order with roll call. Chairperson Glenna Butler, Vice-Chairperson Wayne Edwards, Treasurer Arlon Hickman, and Members: E. L. Jacobs, Mary Thoma, and Avon Phillips Jr. were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Assistant Attorney General Don Barnes were also, present. Members Charles Bokker, Jr., out of town, Ronnie Walker, and Noel Foster were not present.

Chairperson Butler confirmed members had received the Minutes from the February 24, 2009, meeting with a Motion by Edwards and a 2nd by Thoma, the Board voted 5-1-3 to accept the Minutes as written. (Note: Member Phillips was not present for vote.)

Treasurer Hickman reported expenditures of \$ 5,124.85 and revenues of \$ 0.00 for a checkbook balance as of March 17, 2009 of \$ 91,918.41. (Note: Copy Treasurers' Reports are filed with these Minutes).

Chairperson Butler welcomed guests.

Special Order of Business

1. **Risk Assessment Review and Training:** Ricky Quattlebaum and Anna Dowell of the Office of Accounting, Internal Audit Section, provided training and explanations for the Risk Assessment Review. Training was given to help board members understand the new procedures for more financial oversight of the board staff.

On-Going Business

1. **Progress Report:** No progress report was given for this meeting
2. **Complaints Report:** Board Investigator Ashcraft reported as of March 17, 2009: 20 telephone complaints, 11 written complaints, and 00 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 04 pending complaint hearings, and 9 closed complaints. 00 Offer of Settlements were sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Attorney Barnes reported on 3 complaints on appeal:
 - A. **Complaint No. 06-12-158** Asher Wrecker Service, Inc. Attorney Barnes reported current issue with the record and waiting on briefing.
 - B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of

Conway, Inc, Attorney Barnes reported an Order of Discovery was received for declaratory judgments. Appeals are still pending.

- C. **Complaint No. 08-06-150** – Gene Zajac DBA Blue Hill Wrecker Service Attorney Barnes reported record has been filed waiting on a briefing date.

Old Business

1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen.
2. **Legislative Committee:** Lauen presented new bills filed pertaining to the towing industry.
 - a. **SB 84/Act 14:** Lauen reported our budget has made it through the legislature.
 - b. **HB1397/Act 313:** Lauen reported this bill is regarding release of vehicles and proof of insurance for government owned storage facilities.
 - c. **HB 2034:** Lauen reported this is the Board's bill.
 - d. **HB 2045:** Lauen reported this bill for the towing industry does not affect the Board.
 - e. **HB2085:** Lauen reported this is only a shell bill.
 - f. **HB2100:** Lauen reported this bill is for the towing industry and does not affect the Board.
 - g. **SB 829:** Lauen reported this is a conservative version of SB830.
 - h. **SB830:** Lauen reported this bill gives any city or organized town to regulate private property tows by city ordinance, as long as it does not violate A.C.A 27-50-1101. It also removes towing operators as agents for property owners, as well a few other minor changes. This bill would place machinery and implement equipment abandoned on private property under the same guidelines as vehicles. It also places the balances of charges after the maximum allowed under city ordinance to be the responsibility of the property owner.
 - i. **SB915:** Lauen reported this only a shell bill.
 - j. **SB917:** Lauen reported this is only a shell bill.

Other Business

1. **Board Minutes:** After some discussion, the Board requested Senator Salmon be added to our Minutes list to received the minutes of meeting's with hearings to keep her up to date on the Board's action
2. **Next Meetings:** April 29, 2009, 2nd floor conference room, Tower Building, 323 Center, Little Rock, Arkansas.

Meeting adjourned 10:50 a.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)